



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

**MISCELLANY.****Virginia Board of Law Examiners.****Richmond, Va., November 6, 1912.****QUESTIONS:**

1. State the grounds for an attachment in Virginia?
2. The Valley Trust Co. places in your hands a negotiable note, executed by John Smith, and instructs you to obtain judgment. State the different remedies, both at common law and in Virginia, to which you may resort?
3. What is the office of a Bill of Exception, and when, in Virginia, must it be filed?
4. What is the effect of a failure to waive answer under oath in a Bill in Equity?
5. Define a constructive and resulting trust, with an illustration of each, and state what kind of evidence is necessary to establish?
6. What is meant by the marshalling of assets in a court of equity?
7. Give four of the principal maxims of equity?
8. When, if at all, will a court of equity enjoin a trespass?
9. A man dies seized of a tract of land worth \$500.00. He owns no personal estate. A judgment is obtained against him during his life for \$600.00, and his only other indebtedness consists of a doctor's bill of \$50.00 for services rendered in his last illness, and an undertaker's bill of \$100.00. What are the rights of the respective creditors?
10. What is a donation mortis causa?
11. What are the rights of a widow, in Virginia, prior to and pending the assignment of dower?
12. The Front Royal National Bank obtains a judgment against William Brown for \$1,000.00. Brown has no property out of which an execution can be made, but he is the owner of a tract of land, and the bank institutes a general creditors' suit to enforce its judgment, and after the liens are established and audited the court enters a decree of sale, appointing X a special commissioner for the purpose. Brown's wife has a contingent right of dower in the land, and she agrees to accept \$300.00 in lieu thereof, which is paid to and accepted by her. The land is sold, and Mrs. Brown and the special commissioner execute and deliver a deed to the purchaser. Several months later William Brown dies and Mrs. Brown still claims her dower in the land. Is her claim a valid one? Give reasons.
13. What is necessary in Virginia to constitute title to land by adverse possession?
14. State what, if anything, is necessary for a vendor of real estate to acquire a lien on the land for unpaid purchase money, both at common law and in Virginia?

15. In what instances does the common law doctrine of survivorship among joint tenants still apply in Virginia?

16. Define an executory limitation and a contingent remainder?

17. Smith calls up Brown by phone and offers him \$500.00 for his bay mare named "Pendennis," which sum he is to pay 30 days after date. Smith likewise agrees to send for the mare the next morning. Brown at once accepts Smith's offer, and about two hours later Brown's stables burn and the mare is destroyed. Whose loss, and why?

18. On June 18th Gray & Co., of Hanover, write to the Richmond Milling Company, offering to sell them 1,000 bushels of wheat at \$1.00 per bushel, F. O. B., Hanover Junction. The letter is received by the Milling Company on the morning of June 19th, and they on the same day write to Gray & Co. accepting the offer. On the 19th Gray & Co. write the Milling Company, withdrawing their offer, and the two letters cross in the mails. The Milling Company seeks your advice as to their rights. What would you advise?

19. Charles Harris verbally authorizes Trout & Son to sell his river farm at the price of \$10,000.00 cash, agreeing to pay them a 5 per cent. commission, and giving them six months within which to make the sale. Within this period, Trout & Son contract in writing with John Williams, agreeing to sell Williams the farm on the terms as authorized by Harris. Harris, however, refuses to convey, and Williams sued him for specific performance, while Trout & Son sue for their commissions. Can these suits, or either of them, be maintained? Give reasons.

20. An employee of the Richmond Locomotive Works is injured by the negligence of another employee while the two are engaged as members of a gang in carrying a large iron beam from one part of the shop to another. Can he recover from the Company?

21. Mr. and Mrs. John Smith, on account of domestic troubles, are not living together. They have an infant child who is in the custody of Mrs. Smith. Mr. Smith institutes suit for the custody of the child. What are the leading principles which will govern the court in passing upon the question?

22. Charles Jones, a married man, is the owner of \$20,000.00 in cash, which is on deposit in the Bank of Norfolk; he owns \$2,000.00 worth of household and kitchen furniture, and three head of horses. He owns no real estate, and he dies leaving a will bequeathing all of his property to his children, making no provision whatever for his wife. Mrs. Jones consults you as to her rights. What would you advise?

23. Define the doctrine of "Last clear chance," as laid down by the Supreme Court of Appeals of Virginia?

24. When does the responsibility of a common carrier begin as

to a passenger, and what is the degree of care which such a carrier owes to a passenger?

25. What is the common law liability of a common carrier of goods, and what are the exceptions to the general rule?

26. A and B form a partnership for the purpose of conducting the mercantile business. A contributes \$5,000.00 of the capital and B contributes \$2,500.00 of the capital. Both give their entire time to the conduct of the business. There was no agreement, however, as to how the profits should be divided, and at the end of the first year they determine to dissolve. The partnership has on hand \$2,000.00 of undivided profits. How much would each be entitled to receive from the profits and the capital, respectively?

27. Give two of the rules of Legal Ethics as adopted by the Virginia State Bar Association?

28. Give two instances when a negotiable note is void in Virginia, and cannot be enforced by a holder in due course?

29. When, if at all, can one accused of crime introduce evidence as to his previous good character?

30. Charles Jackson went upon the premises of George Ratliff for the purpose of cutting off his water supply, which he had the legal right to do. While in the performance of this lawful act, he is assaulted, without provocation, by Ratliff. What degree of force did Jackson have the right to use in repelling the assault, and state whether or not Jackson was compelled to retreat before using such force?

31. A thief picks from the pocket of Jones a watch valued at \$7.00. Of what offence is he guilty?

32. A is indicted and tried for the murder of B. At the trial C is an important witness for A and appears and testifies. A is convicted of manslaughter, but the Supreme Court of Appeals reverses the lower court and the case is remanded for a new trial. Prior to the second trial C dies. Can the former testimony of C be introduced by A at the second trial?

33. What constitutes a sufficient insurable interest to enable one to hold a policy of insurance on the life of another?

34. John Smith in his application for an insurance policy makes an untrue answer. The application is made a part of the policy, and the questions and answers are to be treated as warranted. Smith dies and in a suit brought by his administrator against the insurance company, the company defends on the ground that some of the answers were untrue. In Virginia, what elements are necessary to concur before this defence can be maintained?

35. Give four exceptions to the rule forbidding the introduction of hearsay testimony?

36. Upon what principle is a dying declaration admitted in evidence in a case of homicide?

37. What is the difference in the degree of proof which is required to convict one of crime and to hold a defendant liable for negligence in a civil suit?

38. A and B propose to organize a corporation, which has for its object the buying and selling of real estate. C, prior to the obtaining of the charter, subscribes to ten shares of the capital stock at \$100.00 per share. Before the corporation is organized and the charter is obtained, C withdraws his subscription, without any fault on the part of A and B. Is there any liability on the part of C? Give reasons.

39. Charles Smith, while crossing Broad street, in the city of Richmond, is run over and seriously injured by the negligent and reckless driving of a fire engine belonging to the city of Richmond. Discuss what liability, if any, rests upon the city?

40. The Columbia Knitting Company is incorporated under the laws of the State of Virginia, and has for its object the conduct and operation of a large knitting mill, which will daily employ about 750 laborers. The city of Alexandria is anxious to have the enterprise located in its midst, and to this end it offers to exempt the Company from all city taxation, to furnish it a free site for its buildings, and to issue its bonds for \$5,000.00 as a donation and further inducement in procuring the establishment of the mills. Can this be done? Give reasons.

#### Successful Applicants.

Following is a list of the successful applicants for license to practice law in Virginia:

|                            |                        |
|----------------------------|------------------------|
| Billingsley, Joseph A..... | King George, Va.       |
| Byern, Edward J., Jr.....  | Richmond, Va.          |
| Dickerson, E. C.....       | Roanoke, Va.           |
| Haddon, T. Gray.....       | Richmond, Va.          |
| Hooper, Benjamin R.....    | Covington, Va.         |
| Lively, A. C.....          | Roanoke, Va.           |
| McDonald, Alexander.....   | University of Virginia |
| Mallison, George.....      | Hampton, Va.           |
| Morrison, John W.....      | Harrisonburg, Va.      |
| Parker, Joseph Daniel..... | Menchville, Va.        |
| Ruediger, Ernest.....      | Accomac, Va.           |
| Feay, Perry.....           | Richmond, Va.          |
| Snead, Harry L.....        | Fork Union, Va.        |
| Throckmorton, L. W.....    | Richmond, Va.          |
| Warthen, Gibson Roy.....   | Front Royal, Va.       |